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Filing Date	May 20, 1999
Inventor(s)	Ajay RAJKUMAR
Group Art Unit	2176
Examiner Name	Rachna Singh
Attorney Docket Number	29250-000881/US

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Harness, Dickey & Pierce, P.L.C.

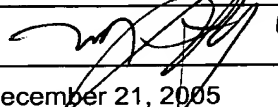
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Date

December 21, 2005



PATENT

IN THE U.S. PATENT AND TRADEMARK OFFICE

Appellant: Ajay RAJKUMAR
Application No.: 09/315,621
Art Unit: 2176
Filed: May 20, 1999
Examiner: Rachna Singh
For: DATABASE WITH LINKED AUDIO FILE
Atty. Dkt. No.: 29250-000881/US
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December 21, 2005

Mail Stop Appeal Brief – Patent

REVISED APPELLANT'S BRIEF ON APPEAL UNDER 37 C.F.R. §41.37

Sir:

In response to the Notification of Non-Compliant Appeal Brief dated December 8, 2005, Appellant submits herewith their Revised Brief on Appeal as required by 37 C.F.R. § 41.37.

TABLE OF CONTENTS

	<u>Page</u>
BRIEF ON BEHALF OF APPELLANT	3
I. REAL PARTY IN INTEREST	3
II. RELATED APPEALS AND INTERFERENCES.....	3
III. STATUS OF CLAIMS	3
IV. STATUS OF AMENDMENTS	4
V. SUMMARY OF CLAIMED SUBJECT MATTER	4
VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL	8
VII. ARGUMENTS.....	9
A. Claims 1, 2, 13-17 and 19 are not unpatentable over the combination of Mogenis in view of Maes.....	9
1. Claims 1, 16 and 19	9
a. MOGENIS DIRECTED TO EMERGENCY RESPONSE SYSTEM.....	9
b. MOGENIS "ARCHIVE" UNRELATED TO CLIENT IDENTIFIER	9
c. MAES DIRECTED TO SECURITY SYSTEM	10
d. COMBINATION OF MAES AND MOGENIS IS DEFICIENT	11
e. NO MOTIVATION TO COMBINE MOGENIS AND MAES.....	11
2. Claims 2, 13-15 and 17.....	12
B. Claims 6, 8, 9, 11, 18 and 20 are not unpatentable over the combination of Mogenis in view of Maes and further in view of Dockes.....	12
C. Claims 3 and 4 are not unpatentable over the combination of Mogenis in view of Maes and further in view of Dockes and DeMartin.....	12
D. Claims 5 and 10 are not unpatentable over the combination of Mogenis in view of Maes and further in view of Kelly.	13
E. Claims 7 and 12 are not unpatentable over the combination of Mogenis in view of Maes and further in view of Akagari.	13
VIII. EVIDENCE AND RELATED APPEALS APPENDICES	13
IX. CONCLUSION.....	14
X. CLAIMS APPENDIX.....	15

BRIEF ON BEHALF OF APPELLANT

In support of the Notice of Appeal filed on August 10, 2005, appealing the Examiner's final rejection mailed on May 23, 2005 of each of pending claims 1-20 of the present application which appear in the attached claims appendix (Section X), Appellant hereby provides the following remarks. Appellant notes that in response to the Examiner's Notice of Non-Compliant Appeal Brief mailed December 8, 2005, Section X contains the claims as entered by the Examiner.

I. REAL PARTY IN INTEREST

The real party in interest in this appeal is Lucent Technologies.

II. RELATED APPEALS AND INTERFERENCES

There are no known appeals or interferences that will affect, be directly affected by, or have a bearing on the Board's decision in this Appeal.

III. STATUS OF CLAIMS

Claims 1-20 are pending in the application, with claims 1, 16 and 19 being independent.

Claims 1, 2, 13-17 and 19 remain finally rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mogenis et al. (U.S. Patent No. 6,466,258) (hereinafter "Mogenis") in view of Maes et al. (U.S. Patent No. 6,016,476) (hereinafter "Maes").

Claims 6, 8, 9, 11, 18 and 20 remain finally rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mogenis in view of Maes and further in view of Dockes et al. (U.S. Patent No. 5,974,004) (hereinafter "Dockes").

Claims 3 and 4 remain finally rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mogenis in view of Maes and further in view of Dockes and DeMartin et al. (U.S. Patent No. 6,226,672) (hereinafter "DeMartin").

Claims 5 and 10 remain finally rejected under 35 U.S.C. § 103 (a) as being unpatentable over Mogenis in view of Maes and further in view of Kelly et al. (U.S. Patent No. 6,047,292) (hereinafter "Kelly").

Claims 7 and 12 remain finally rejected under 35 U.S.C. § 103 (a) over Mogenis in view of Maes and further in view of Akagiri (U.S. Patent No. 5,491,481).

Claims 1-20 are being appealed.

IV. STATUS OF AMENDMENTS

Appellant filed an Amendment pursuant to 37 C.F.R. § 41.33 on November 9, 2005 to amend claims 1, 3, 4, 8, 16 and 19 for the sole purpose of clarifying the antecedent basis of the claimed term “financial record”. The Examiner entered this Amendment pursuant to 37 C.F.R. § 41.33 on November 30, 2005. Accordingly, the claims in Appendix X reflect the status of the current claims with the November 9, 2005 amendment.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention is directed to a database with a linked audio file and a method for linking an audio file to a database. Financial institutions such as brokerage houses and banks typically record conversations with clients.¹ For example, if a client requests a financial transaction, it may be beneficial to a financial institution to have the transaction request recorded in case a dispute with the client later arises.² Conventional recording methodologies typically store the recorded transactions in such a way as to require an employee to scan through the recorded conversations and determine when, chronologically the requested transaction was made.³ The employee searching method may be an extremely time consuming and expensive task.⁴

The inventors disclose a method of linking an audio file to a financial record in a database. Figure 1 (reproduced below) illustrates a system 100. Figure 2 (reproduced below) is a flow chart illustrating a method of linking an audio file to a database.

¹ See page 1, lines 10-12 of the Specification.

² See page 1, lines 12-17 of the Specification.

³ See page 1, lines 15-18 of the Specification.

⁴ See page 1, lines 18-19 of the Specification.

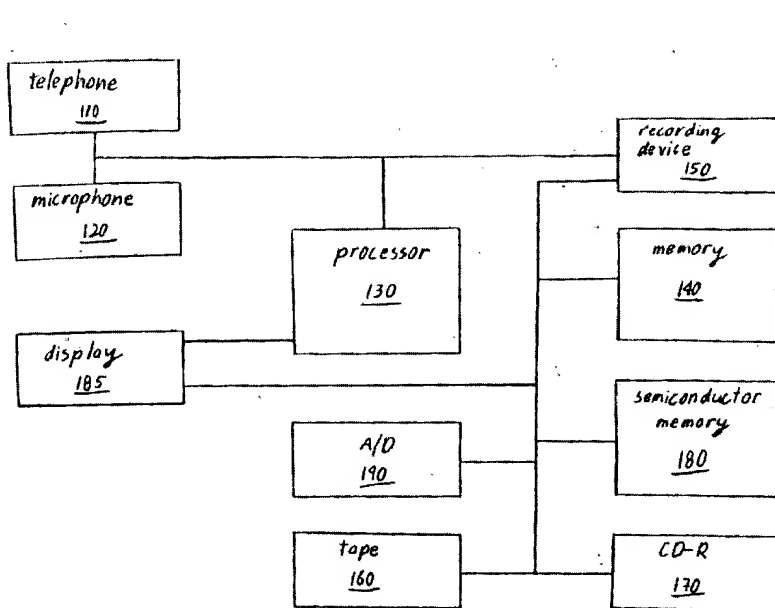


Figure 1

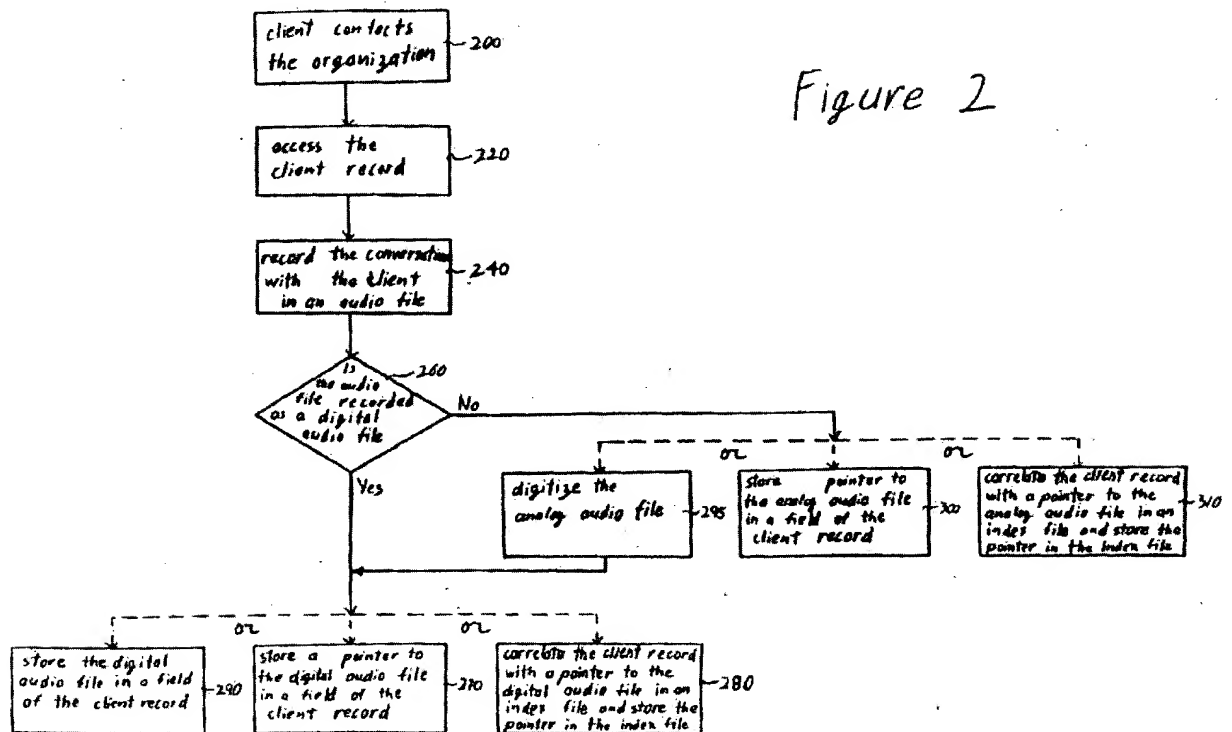


Figure 2

Referring to Figures 1 and 2, a client contacts an organization (200) to perform transactions related to the client's accounts and/or to acquire information about the client's accounts.⁵

After the client contact (200), a processor (e.g., processor 130 of Figure 1) accesses a client record related to the client (220).⁶ Typically, this is accomplished by obtaining information from the client and using the information to locate the client record.⁷ The information can be any identifier that makes the client recognizable to a system.⁸ For example, the identifier can be the client's personal identification number (PIN), the client's account number and/or a combination of identifiers.⁹ Obtaining information from the client can be accomplished in any well-known manner.¹⁰ For example, an operator may ask the client for information, a recorded message may ask the client to enter information either verbally or through a keyboard on the client's telephone, etc.¹¹

After the client's call is received, a recording device (e.g., recording device 150 of Figure 1) is turned on.¹² The recording device may be turned on before the processor accesses the client record, after the processor accesses the client record or concurrently with the processor accessing the client record.¹³ Alternatively, instead of turning on the recording device automatically for every call, the processor may be programmed to selectively turn on the recording device.¹⁴ In another alternative example, an operator selectively turns on the recording device at the operator's discretion.¹⁵

Once the recording device is turned on, the recording device 150 records (240) the conversation with the client in an audio file.¹⁶ Recording device 150 can be any recording device capable of recording the audio file and storing it on a recording media.¹⁷ The audio file can be recorded as an analog file and stored onto an analog recording media, such as a

⁵ See page 3, lines 3-4 of the Specification.

⁶ See page 3, lines 12-13 of the Specification.

⁷ See page 3, lines 13-14 of the Specification.

⁸ See page 3, line 15 of the Specification.

⁹ See page 3, lines 15-17 of the Specification.

¹⁰ See page 3, lines 17-18 of the Specification.

¹¹ See page 3, lines 18-20 of the Specification.

¹² See page 3, lines 27-28 of the Specification.

¹³ See page 3, lines 28-30 of the Specification.

¹⁴ See page 4, lines 1-2 of the Specification.

¹⁵ See page 4, lines 5-6 of the Specification.

¹⁶ See page 4, lines 7-8 of the Specification.

¹⁷ See page 4, lines 8-9 of the Specification.

tape; or the audio file can be recorded as a digital file and stored onto a digital recording media, such as a CD-R.¹⁸

System 100 then links the audio file to the client record.¹⁹ Several ways of linking the audio file and the client record are now described for illustrative purposes.²⁰

The system determines (260) whether the audio file is recorded as an analog or a digital file.²¹ In the case where the recording device 150 records the audio file as a digital audio file, the audio file may remain in the memory where it was originally recorded, or it may be moved to another memory.²² For example, the audio file can be moved to memory 140 which stores the database, or to a semiconductor memory 180.²³ The system generates a pointer, which is a set of data that represents a location in memory where the audio file is stored.²⁴ The pointer is then stored (270) in a field of the client record.²⁵ A set of data representing a time at which the audio file was recorded can be associated with the pointer and stored with the pointer.²⁶

The recorded audio file may then be linked to the client record. For example, if the recorded audio file is recorded in a digital format, the recorded audio file may remain in its original memory and/or moved to another memory.²⁷ The client record may store a pointer pointing to the memory location where the record audio file is stored (270), thereby linking the client record with the associated stored audio file. The recorded audio file may alternatively be indexed in an index file which correlates audio files to client records.²⁸ In another alternative example, the entire recorded audio file may be stored as a field in the actual client record.²⁹

In another alternative example, if the recorded audio file is recorded in an analog format, the recorded analog audio file may be stored in a variety of ways. For example, the audio file may remain in its initial recording medium (e.g., a tape).³⁰ Alternatively, the recorded analog audio file may be converted into a digital format where the converted digital

¹⁸ See page 4, lines 9-12 of the Specification.

¹⁹ See page 4, line 15 of the Specification.

²⁰ See page 4, lines 15-16 of the Specification.

²¹ See page 4, lines 17-18 of the Specification.

²² See page 4, lines 18-20 of the Specification.

²³ See page 4, lines 20-21 of the Specification.

²⁴ See page 4, lines 21-23 of the Specification.

²⁵ See page 4, line 23 of the Specification.

²⁶ See page 4, lines 23-25 of the Specification.

²⁷ See page 4, lines 17-20 of the Specification.

²⁸ See page 4, line 26- page 5, line 2 of the Specification.

²⁹ See page 5, lines 5-6 of the Specification.

³⁰ See page 5, lines 7-8 of the Specification.

audio file may be stored with any of the digital stored methodologies described above.³¹ The recorded analog audio file and/or the converted digital audio file may be linked to the client record in any of the variety of ways, including storing a pointer in the client record pointing to the audio file, storing the pointer in an index file correlating the pointer to the client record, and so on.

As described above, the present claimed invention is directed to a method of obtaining a client identifier (e.g., a PIN number) during a client contact (e.g., a telephone call), accessing a financial record (e.g., a client record) in a database (e.g., memory 140 of Figure 1), recording (e.g., with recording device 150 of Figure 1) at least a portion of the client contact as an audio file (e.g., an analog audio file, a digital audio file, etc.), storing the audio file on a recording media (e.g., a tape, a memory, a CD-R, etc.) and linking the audio file to the financial record (e.g., by storing the recorded audio file in a field of the financial record, by storing a pointer pointing to the stored audio file in the financial record, etc.)

VI. GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Appellant seeks the Board's review of the rejection of claims 1, 2, 13-17 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Mogenis in view of Maes; of claims 6, 8, 9, 11, 18 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Mogenis in view of Maes and further in view Dockes; of claims 3 and 4 under 35 U.S.C. § 103(a) as being unpatentable over Mogenis in view of Maes and further in view of Dockes and DeMartin; of claims 5 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Mogenis in view of Maes and further in view of Kelly; and of claims 7 and 12 under 35 U.S.C. § 103(a) over Mogenis in view of Maes and further in view of Akagiri.

³¹ See page 5, lines 9-10 of the Specification.

VII. ARGUMENTS

A. Claims 1, 2, 13-17 and 19 are not unpatentable over the combination of Mogenis in view of Maes.

As claims 1, 16 and 19 are allowable for features which are present in each claim, the arguments hereafter are directed to each of claims 1, 16 and 19, with claims 2-15, 17-18 and 20, dependent upon independent claims 1, 16 and 19, respectively, rising and falling together.

1. Claims 1, 16 and 19

The combination of Mogenis and Maes does not teach or suggest “accessing a financial record in the database using the client identifier”, “recording at least the portion of the client contact as the audio file” and “storing the audio file on a recording media” as recited in independent claims 1 and 16, and as similarly recited in independent claim 19.

Further, as will be discussed below, the Examiner has not established the requisite motivation to combine Mogenis and Maes.

a. MOGENIS DIRECTED TO EMERGENCY RESPONSE SYSTEM

Mogenis discloses a 911 real time information communication system. Mogenis attempts to overcome the limitation of speech being the only way to communicate with police during an emergency. Thus, Mogenis describes an emergency communications system that can transmit video and/or audio information from devices including security cameras, audio sensors, etc.³² Mogenis is silent as to how this information is stored. Mogenis states that:

“...the security center 14 may include a recording or archiving database or memory 212, which automatically records the video, audio, and/or other sensor information arriving at center 14 for later use by the responding emergency party, if required, or for evaluation. A playback arrangement 214 is illustrated as being coupled to memory 212.”³³

b. MOGENIS “ARCHIVE” UNRELATED TO CLIENT IDENTIFIER

Mogenis does not disclose or suggest that the archive 212 is related to a client identifier as required by the accessing step in claims 1, 16 and 19. Instead, Mogenis refers to a Recording/Archival means 212 (alternatively referred to as “memory 212”). For example, the Recording/Archival means 212 could refer to an unsigned temporary file, a storage

³² See column 3, lines 8-39 of the Mogenis patent.

³³ See column 5, lines 7-13 of the Mogenis patent.

storing data based on a time of the recording, etc. Further, a review of Mogenis reveals that Mogenis does not disclose or suggest a financial record of any kind, as admitted by the Examiner.³⁴ Mogenis is further silent in specifying how the Recording/Archival means 212 may be accessed. Thus, Mogenis cannot disclose or suggest “accessing a financial record in the database using the client identifier” as recited in independent claims 1, 16 and 19.

With regard to the combination of Mogenis with Maes, the Examiner seeks to incorporate the teachings of Maes solely to teach of a financial record that is absent in Mogenis.³⁵

c. MAES DIRECTED TO SECURITY SYSTEM

Maes is directed to a portable information and transaction processing system and method utilizing biometric authorization and digital certificate security.³⁶ Initially, Maes establishes information associated with a user during an enrollment process.³⁷ The enrollment process includes making a voice print of the user.³⁸ Maes is generally directed to verifying user identity in order to download a digital certificate. The verification includes both Personal Identification Number (PIN) and voice print verification. Specifically, when attempting to access the digital certificate, the user speaks the PIN.³⁹ While the spoken PIN is being processed to ensure correctness, the voice pattern is also analyzed for verification purposes.⁴⁰ Thus, Maes discloses verifying a user by verifying a PIN and a voice print of the PIN.

However, as shown in Figure 4 of Maes, the steps required for user verification do not include storing the spoken PIN number into a database.⁴¹ Rather, the prompted spoken PIN is used for verification in steps 108 and 110 and then discarded.⁴² Further, the storage of the voice print during the enrollment process cannot link an audio file to a financial record because no financial record exists when a user initiates an enrollment process. Enrollment processes are well known to be only a starting point or creation point for a record. Maes states that “the central server 60 will perform speaker verification to compare the user voice

³⁴ See page 3 of the Office Action mailed on May 23, 2005.

³⁵ See pages 3-4 of the Office Action mailed on May 23, 2005.

³⁶ See abstract of the Maes patent.

³⁷ See column 7, lines 20-35 of the Maes patent.

³⁸ See column 8, lines 54-56 of the Maes patent.

³⁹ See column 8, lines 13-27 of the Maes patent.

⁴⁰ See column 8, lines 50-65 of the Maes patent.

⁴¹ See Figure 4 of the Maes patent.

⁴² See column 8, lines 50-65 of the Maes patent.

models that were processed and complied by the CPU 12 of the PDA device 10 with the user's voice prints that were stored in the central server 60 during the enrollment process. Further, the central server 60 compares the answer given by the user with the answers provided during the enrollment process to determine if they match".⁴³

d. COMBINATION OF MAES AND MOGENIS IS DEFICIENT

In view of a. through c. above, Appellant respectfully submits that the combination of Mogenis and Maes cannot disclose or suggest a method for linking an audio file to a database, comprising one, some or all of "accessing a financial record in the database using the client identifier", "recording at least a portion of the client contact as the audio file" and/or "storing the audio file on a recording media" as recited in independent claims 1 and 16 and as somewhat similarly recited in independent claim 19. At the very least, Mogenis does not access a financial record based on a client identifier, and although Maes uses a PIN for authorization, no financial record is accessed based on the verified PIN. As the combination of Mogenis and Maes fail to teach or suggest each and every feature of the claims, as required under 35 U.S.C. §103, the rejection of claims 1, 16 and 19 is improper.

e. NO MOTIVATION TO COMBINE MOGENIS AND MAES

Appellant submits that one skilled in the art would not combine the references of Mogenis and Maes. Mogenis is directed to a 911 real time information communication system. Specifically, Mogenis teaches an interface used by responding unit may use when responding to emergency communications. For example, instead of being limited to phone calls for transferring information during an emergency, the responding unit may receive video, audio and other information from a user to more quickly communicate relevant emergency information. Maes, on the other hand, is directed to a user verification system for acquiring a digital certificate in a secure fashion.

If Mogenis were to incorporate the teachings of Maes in order to verify all users upon emergency request with digital certificates, emergency response times would greatly suffer because of the laborious verification process. Similarly, if Maes were to incorporate an emergency response to requests for digital certificates, the security provided by the Maes system would likewise suffer.

⁴³ See column 8, lines 50-60 of the Maes patent.

In alleging motivation to combine Mogenis and Maes, the Examiner states that "it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the features of Maes and Mogenis to arrive at a system of storing audio files with a record in a database to correlate the audio file with a client".⁴⁴ However, the purposes of Mogenis and Maes are different and incompatible. The teachings of Maes contradict the teachings of Mogenis, and vice versa, because the purposes of the respective references are entirely dissimilar. Maes solves no stated problem in Mogenis, there is no explicit statement in Maes, Mogenis or other prior art to support the motivation to combine and/or the Examiner has not shown that the motivation to combine Maes with Mogenis would come from the knowledge of one of ordinary skill in the art. Thus, Appellant respectfully submits that the Examiner is using impermissible hindsight to combine Mogenis and Maes as an attempt to reconstruct the claimed invention. Accordingly, Appellant respectfully submits that claims 1, 16 and 19 are allowable at least for the reason that the Examiner has failed to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a).

2. Claims 2, 13-15 and 17.

Appellant submits that claims 2, 13-15 and 17, dependent on claims 1 or 16, are patentable at least for the reasons stated above with respect to claims 1 and 16.

B. Claims 6, 8, 9, 11, 18 and 20 are not unpatentable over the combination of Mogenis in view of Maes and further in view of Dockes.

A cursory review of Dockes indicates that Dockes is silent as to one or all of the deficiencies of Mogenis or Maes with regard to claims 1, 16 and/or 19. Namely, Dockes is limited in its teaching and does not teach or suggest any of the accessing, recording or storing steps as recited in claims 1, 16 and/or 19. As such claims 6, 8, 9, 11, 18 and 20 are allowable by virtue of their dependency on allowable independent claim 1, 16 or 19.

C. Claims 3 and 4 are not unpatentable over the combination of Mogenis in view of Maes and further in view of Dockes and DeMartin.

A cursory review of Dockes and DeMartin indicates that Dockes and DeMartin are silent as to one or all of the deficiencies in Mogenis or Maes with regard to claim 1, 16 or 19. Namely, Dockes and DeMartin are limited in their teaching and do not teach or suggest any

⁴⁴ See page 3 of the Office Action mailed on May 23, 2005.

of the accessing, recording or storing steps as recited in claims 1, 16 and/or 19. As such, claims 3 and 4 are allowable by virtue of their dependency on allowable independent claim 1.

D. Claims 5 and 10 are not unpatentable over the combination of Mogenis in view of Maes and further in view of Kelly.

A cursory review of Kelly indicates that Kelly is silent as to one or all of the deficiencies of Mogenis or Maes with regard to claims 1, 16 and/or 19. Namely, Kelly is limited in its teaching and does not teach or suggest any of the accessing, recording or storing steps as recited in claims 1, 16 and/or 19. As such, claims 5 and 10 are allowable by virtue of their dependency on allowable independent claim 1.

E. Claims 7 and 12 are not unpatentable over the combination of Mogenis in view of Maes and further in view of Akagari.

A cursory review of Akagari indicates that Akagari is silent as to one or all of the deficiencies of Mogenis or Maes with regard to claims 1, 16 and/or 19. Namely, Akagari is limited in its teaching and does not teach or suggest any of the accessing, recording or storing steps as recited in claims 1, 16 and/or 19. As such, claims 7 and 12 are allowable by virtue of their dependency on allowable independent claim 1.

VIII. EVIDENCE AND RELATED APPEALS APPENDICES:

As there are no related appeals and interferences, copies of decisions rendered by a court or the Board for such proceedings do not exist and have not been supplied in an Appendix pursuant to 41.37(c)(1)(x).

As no evidence was submitted and relied upon in this Appeal, an Appendix pursuant to 41.37(c)(1)(ix) has not been supplied.

IX. CONCLUSION

Appellant respectfully requests the Board to reverse the Examiner's anticipation and/or obviousness rejection of claims 1-20.

As a three (3) month extension to time was paid with the filing of the After Final Amendment under 37 C.F.R. § 41.33 of November 9, 2005, no additional extension of time fees are due.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By:  43.274

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Attachment: Appendix X

X. CLAIMS APPENDIX

1. A method for linking an audio file to a database, the method comprising the steps of:
obtaining a client identifier during a client contact;
accessing a financial record in the database using the client identifier;
recording at least a portion of the client contact as the audio file;
storing the audio file on a recording media; and
linking the audio file to the financial record.
2. The method according to claim 1, wherein the step of linking the audio file to the financial record comprises storing a pointer to the audio file in a field of the financial record.
3. The method according to claim 1, wherein:
the step of storing the audio file on the recording media comprises storing the audio file in an analog format on an analog recording media; and
the step of linking the audio file to the record comprises the steps of:
digitizing the audio file;
storing the digitized audio file in a digital recording media; and
storing a pointer to the digitized audio file in a field of the financial record.
4. The method according to claim 1, wherein:
the step of storing the audio file on the recording media comprises storing the audio file in an analog format on an analog recording media; and
the step of linking the audio file to the record includes the steps of:
digitizing the audio file; and
storing the digitized audio file in a field of the financial record.

5. The method according to claim 1, wherein the step of storing the audio file on the recording media comprises the storing the audio file on a tape.
6. The method according to claim 1, wherein the step of storing the audio file on the recording media comprises the storing the audio file on a CD-R.
7. The method according to claim 1, wherein the step of storing the audio file on the recording media comprises the storing the audio file on a semiconductor memory.
8. A method according to claim 1, further comprising the steps of:
accessing a field in the record, the field having a pointer to the audio file, wherein the pointer identifies a location where the audio file is stored on the recording media; and
accessing the location on the recording media identified by the pointer.
9. The method according to claim 8, wherein the audio file is a digital audio file.
10. The method according to claim 8, wherein the recording media is a tape.
11. The method according to claim 8, wherein the recording media is a CD-R.
12. The method according to claim 8, wherein the recording media is a semiconductor memory.
13. The method according to claim 1, wherein:
the contact comprises a telephone call; and

the recording step comprises recording at least a portion of the conversation that takes place over the telephone call.

14. The method according to claim 1, wherein the recording, storing, and linking steps are performed responsive to the client contact dealing with a predefined criteria.

15. The method according to claim 1, wherein the client contact comprises a telephone call initiated by a client.

16. A method for linking an audio file to a database, the method comprising:

obtaining a client identifier during a client contact, the client identifier identifying one of a plurality of clients;

accessing a financial record in the database using the client identifier, the financial record containing information relating to an account of the identified client;

recording at least a portion of the client contact as an audio file;

storing the audio file on a recording media having stored thereon one or more audio files relating to additional clients; and

linking the audio file to the financial record.

17. The method according to claim 16, further comprising:

storing the date on which the audio file was recorded as part of the audio file.

18. The method according to claim 16, further comprising:

storing a pointer associated with the audio file within the financial record, the pointer identifying a location on the recording media where the associated audio file is stored.

19. A database for identifying a plurality of audio files, the database comprising:

a plurality of financial records each associated with a client identifier and accessed using the client identifier, the financial records configured to identify one or more audio files stored on a recording media relating to a client, with the one or more audio files linked to a client identified by one of the plurality of financial records.

20. The database according to claim 19, further comprising:

a pointer associated with each of the one or more audio files and identifying a location on the recording media where the associated audio file is stored, the pointer stored within the financial record of the client associated with the one or more audio files.